

REMARKS

In the Office Action dated September 23, 2003, claim 11 was objected to; claims 1, 3-5, 7, 9, 11, 13-15, 17, 18, 21-25, and 27 were rejected under 35 U.S.C. § 102 over WO 99/20058 (Alcatel); claims 1-4, 8, 10-13, and 22-27 were rejected under § 102 over U.S. Patent No. 5,946,377 (Wolf); claim 19 was rejected under § 103 over Alcatel alone; claim 16 was rejected under § 103 over Wolf alone; and claims 6 and 20 were rejected under § 103 over Alcatel in view of the article "SOAP: Simple Object Access Protocol," (Box).

Claim 11 has been amended to address the antecedent basis objection.

As amended, independent claim 11 is allowable over either Alcatel or Wolf. Neither Alcatel nor Wolf discloses an interface layer that comprises one or more components responsive to execution of a software module to provide commands *over a packet-based network* to corresponding network elements to perform telephony services specified by the software module.

On page 7, the Office Action pointed to page 21, lines 13-16, of Alcatel as disclosing the sending or provision of commands over a packet-based network to network elements. The cited passage refers to Figure 6 of Alcatel, which depicts a service management access point 30 acting as a world wide web server. In this arrangement disclosed by Alcatel, the service management access point 30 is accessible by a web browser 60 such that the service management access point 30 acts as a gateway to enable, manage, and control access to service management system 12 and telephony database 14 associated with the service management system 12. Alcatel, 21:16-20. Note, however, that the service management access point 30 of Alcatel was identified by the Office Action as being the software module recited in claim 11. The Office Action also identified the service management system 12 of Alcatel as being the interface layer recited in claim 11. In the arrangement of Figure 6, the service management system 12 does *not* provide commands over a *packet-based network* to network elements to perform telephony services specified by a software module.

Therefore, it is respectfully submitted that claim 11 is not anticipated by Alcatel.

In fact, the service management system 12 resides in a circuit-switched intelligent telephony network 10 (*see* Figure 1 of Alcatel). The nodes that are present in this telephony network include a signal transfer point 20 and a service control point 16. These are nodes that are part of a circuit-switched signaling system no. 7 (SS7) network. Therefore, there cannot be any teaching by Alcatel of an interface layer that provides commands over a packet-based network to network elements to perform telephony services.

Wolf also does not disclose the interface layer providing commands over a packet-based network to network elements to perform telephony services. The Office Action identified various elements of a DTMF retrieval system 26 as being the software module and the interface layer recited in claim 11. Note that the DTMF retrieval system 26 of Wolf is part of a personal computer 10 depicted in Figure 1A of Wolf. The DTMF retrieval system 26 provides scripts 106 (Figure 1B) that can be executed to retrieve information from a remote interactive voice response (IVR) system. Note, however, that the personal computer 10 depicted in Figure 1A includes a TAPI-compliant device 24 that connects to a telephone line. This telephone line is a circuit-switched telephone line, not a packet-based network.

Therefore, Wolf does not disclose an interface layer comprising one or more components responsive to execution of a software module to provide commands over a *packet-based network* to corresponding network elements to perform telephony service specified by the software module.

Claim 1 is allowable over Alcatel and Wolf for similar reasons, as neither reference discloses sending, in response to requests of a software module that specifies performance of telephony services, commands over a *packet-based network* to one or more network elements involved in performing the telephony services.

Independent claim 22 is allowable over Alcatel or Wolf, since neither reference discloses a means for executing a storing means to specify performance of a telephony service, and a communicating means for providing, in response to execution of the

storing means, commands *over a packet-based network* to one or more network elements involved in performing the telephony service.

Independent claims 24 and 27 are also similarly allowable over either Wolf or Alcatel, since neither reference discloses sending (claim 24) or generating (claim 27) commands over a packet-based network to one or more network elements to perform telephony tasks (claim 24) or telephony services (claim 27).

All dependent claims, including newly added dependent claims, are allowable over Alcatel or Wolf for at least the same reasons as corresponding independent claims.

Moreover, claim 16 was rejected as being obvious over Wolf alone. Official notice was taken by the Office Action that the recited Session Initiation Protocol messages of claim 16 would be obvious over Wolf. Applicant respectfully traverses this rejection. If a reference exists that suggests a modification of Wolf in the manner proposed by the Office Action, Applicant respectfully requests the production of such a reference. Absent the requisite reference, withdrawal of this rejection is respectfully requested.

Similarly, with respect to claim 19, Applicant respectfully traverses the official notice taken with respect to the Java object recited in claim 19. A specific reference teaching the elements of claim 19 is respectfully requested. Absent the production of a reference that suggests a modification of Alcatel in the manner proposed by the Office Action, a *prima facie* case of obviousness has not been established with respect to claim 19. Therefore, withdrawal of the obviousness rejection of claim 19 is respectfully requested.

With respect to the obviousness rejections of claims 6 and 20 over the asserted combination of Alcatel and Box, it is respectfully submitted that the Office Action has failed to establish that there was any motivation or suggestion to combine the references in the manner proposed by the Office Action. As discussed above, Alcatel relates to a circuit-switched network (such as an SS7 network) that has absolutely no need for the simple object access protocol component recited in claim 6 and 20. Therefore, no motivation existed to combine Alcatel with Box.

Appl. No. 09/588,929
Amdt. dated December 23, 2003
Reply to Office Action of September 23, 2003

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0032US).

Respectfully submitted,

Date: December 23, 2003



Dan C. Hu, Reg. No. 40,025
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
713/468-8880 [Ph]
713/468-8883 [Fax]